sufficient consideration for an unqualified promise, *viz.*, the credit of the bank; nor is the promise necessarily qualified by the fact that the bank may never be called upon to pay out the funds which are the basis of that credit. Thus no condition appears such as to deprive the note of its status as a negotiable instrument.

NEW TRIAL—APPELLATE COURT—POWER TO SET ASIDE VERDICT.—The defendant in a criminal prosecution sought to have the verdict set aside on the ground that it was without evidence to support it. *Held,* that the verdict having been approved by the trial judge, the reviewing court was powerless to interfere, "where there was any evidence, however slight," to support it. *Page* v. *State* (Ga. App. 1919) 99 S. E. 55.

The trial judge, in passing on a motion to set aside the verdict, decides whether from the evidence reasonable men might have found the accused guilty beyond a reasonable doubt; *Piel* v. *People* (1911) 52 Colo. 1, 119 Pac. 687; *cf. Kansas Pacific Ry.* v. *Kunkel* (1876) 17 Kan. 145, 172; and the reviewing court in effect determines whether reasonable men could have found as the jury and the trial judge did. *People* v. *Long* (1912) 150 App. Div. 500, 135 N. Y. Supp. 491, *aff'd* 206 N. Y. 693, 99 N. E. 1114; but *cf. People* v. *Grove* (1918) 284 Ill. 429, 120 N. E. 277. Where the evidence is admittedly weak, this might indicate that there was not the required degree of conviction in the minds of the trial judge and the jury. Nevertheless, courts of review usually will not disturb a verdict if there is more than a scintilla of evidence to sustain it, once it has been approved by the trial court; see *Williams* v. *State* (1909) 58 Fla. 138, 50 So. 749; since the presumption is in favor of the verdict, *Sedlack* v. *State* (1910) 141 Wis. 598, 124 N. W. 510; *cf. Schondel* v. *State* (1910) 174 Ind. 734, 93 N. E. 67, for the trial judge and jury are better qualified than the reviewing judges to pass upon the credibility of the witnesses and the weight of the doubt. *People* v. *Sartori* (1912) 168 Mich. 308, 134 N. W. 200. But the reviewing court considers the presumption of correctness rebutted and will exercise its discretion and set aside a verdict where it determines that passion and prejudice animated the jury and trial judge in arriving at their conclusion, *Jones* v. *People* (1916) 61 Colo. 39, 155 Pac. 966; *People* v. *McMahon* (1912) 254 Ill. 62, 98 N. E. 239, or that for other reasons they could not reasonably have inferred the verdict from the evidence. *People* v. *McMahon, supra; People* v. *Poulin* (1912) 207 N. Y. 73, 100 N. E. 593 (*semble*). The holding of the instant case that the reviewing court "is absolutely without authority to control the judgment of the trial court" is unsound on principle; and this abnegation of final discretionary power is generally not endorsed. *Williams* v. *State, supra; Jones* v. *People, supra; cf. People* v. *Maruyama* (1912) 19 Cal. App. 290, 125 Pac. 924; but *cf. State* v. *Sechrist* (1910) 226 Mo. 574, 126 S. W. 400; *contra, McCain* v. *State* (Ga. App. 1919) 98 S. E. 191; *State* v. *Drummond* (1913) 132 La. 749, 61 So. 778; *State* v. *Peeples* (1912) 71 Wash. 451, 129 Pac. 108.